
OLR Bill Analysis

SB 963 (File 420, as amended by Senate "A")*

AN ACT CONCERNING THE EXPIRATION OF APPROVALS FOR ON-SITE SEWAGE DISPOSAL SYSTEMS WITH DESIGN FLOWS OF LESS THAN FIVE THOUSAND GALLONS PER DAY.

SUMMARY:

This bill extends the length of time certain on-site sewage disposal system (i.e., septic system) permits and approvals are valid. With certain exceptions, it applies to permits and approvals (1) for on-site sewage disposal systems with a daily capacity of less than 5,000 gallons; (2) issued before July 1, 2011; and (3) that have not expired by the bill's effective date.

The bill makes eligible permits and approvals valid for nine years from the approval date, unless they were issued for certain projects requiring land use approvals that have received at least one extension.

*Senate Amendment "A" adds the provision excluding permits or approvals from the extension if certain changes have been made to the property for which it was issued.

EFFECTIVE DATE: Upon passage

PERMITS AND APPROVALS FOR SMALL ON-SITE SEPTIC SYSTEMS

The Public Health Code authorizes local health directors to issue and administer "permits to discharge" and "approvals to construct" for on-site septic systems with a daily capacity of less than 5,000 gallons. Under current law, approvals to construct are valid for one year from their issuance date and expire if construction does not start within that period. They may be extended for an additional year for reasonable cause. Permits to discharge expire five years after their issuance date (Conn. Agencies Reg., § 19-13-B103e and *Technical Standards for Subsurface Sewage Disposal Systems*).

With certain exceptions, the bill extends the validity period for these permits and approvals to nine years from the approval date, if they were issued before July 1, 2011 and have not expired by the bill's effective date. The extension does not apply if, since the permit or approval was issued, there have been any changes to the:

1. ownership of the property on which the septic system is to be installed;
2. approved site or building plan issued in conjunction with the permit or approval; or
3. property on which the septic system is to be installed, or any adjacent property, that the municipal health authority or district health department that issued the permit or approval deems will prevent the septic system's effective operation.

If the permit or approval was issued in conjunction with a project requiring site plan, subdivision, or inland wetlands approval, and the applicant has received at least one extension in connection with the land use approval, the bill instead ties the septic system permit's or approval's validity period to the corresponding land use approval's expiration date. The land approval date may differ from the system permit or approval date.

Generally, these land use approvals expire between five and 10 years from the date they were approved, depending on the municipality and the nature of the project. But certain approvals that had not expired by May 9, 2011 and were approved before July 1, 2011 are valid for between nine and 14 years.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 19 Nay 0 (03/22/2013)